

Kerala Gazette No. 26 dated 29th June 2010.

PART I

Section i



GOVERNMENT OF KERALA

Law (Leg. Publication) Department

NOTIFICATION

No. 9862/Leg. Pbn. 4/2010/Law. *Dated, Thiruvananthapuram, 28th May 2010.*

The following Ordinance of Parliament, published in the Gazette of India, Extraordinary, Part II, Section I, dated the 15th May, 2010 is hereby republished for general information.

By order of the Governor,

K. SASIDHARAN NAIR,
Law Secretary.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 15th May, 2010/Vaisakha 25, 1932 (Saka)

THE INDIAN MEDICAL COUNCIL (AMENDMENT) ORDINANCE, 2010

(No. 2 OF 2010)

Promulgated by the President in the Sixty-first Year of the Republic of India.

AN

ORDINANCE

further to amend the Indian Medical Council Act, 1956.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Indian Medical Council (Amendment) Ordinance, 2010.

(2) It shall come into force at once.

2. *Insertion of new sections 3A, 3B and 3C.*—After section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the following sections shall be inserted, namely :—

‘3A. *Power of Central Government to supersede the Council and to constitute a Board of Governors.*—(1) On and from the date of commencement of the Indian Medical Council (Amendment) Ordinance, 2010, the Council shall stand superseded and the President, Vice-President and other members of the Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

(2) The Council shall be reconstituted in accordance with the provisions of section 3 within a period of one year from the date of supersession of the Council under sub-section (1).

(3) Upon the supersession of the Council under sub-section (1) and until a new Council is constituted in accordance with section 3, the Board of Governors constituted under sub-section (4) shall exercise the powers and perform the functions of the Council under this Act.

(4) The Central Government shall by notification in the Official Gazette, constitute the Board of Governors which shall consist of not more than seven persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of medicine and medical education, and who may be either nominated members or members, *ex-officio*, to be appointed by the Central Government, one of whom shall be named by the Central Government as the Chairperson of the Board of Governors.

(5) The Chairperson and the other members, other than the members, *ex-officio*, shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government.

(6) The Board of Governors shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as is applicable to the Council.

(7) Two-third of the members of the Board of Governors shall constitute the quorum for its meetings.

(8) No act or proceedings of the Board of Governors shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board of Governors ; or

(b) any irregularity in the procedure of the Board of Governors not affecting the merits of the case.

(9) A member having any financial or other interest in any matter coming before the Board of Governors for decision, shall disclose his interest in the matter before he may, if allowed by the Board of Governors, Participate in such proceedings.

(10) The Chairperson and other members of the Board of Governors shall hold office during the pleasure of the Central Government.

3B. *Certain modifications of the Act.*—During the period when the Council stands superseded,—

(a) the provisions of this Act shall be construed as if for the word “Council”, the words “Board of Governors” were substituted ;

(b) the Board of Governors shall,—

(i) exercise the powers and discharge the functions of the Council under this Act and for this purpose, the provisions of this Act shall have effect subject to the modification that references therein to the Council shall be construed as references to the Board of Governors ;

(ii) grant independently permission for establishment of new medical colleges or opening a new or higher course of study or training or increase in admission capacity in any course of study or training referred to in section 10A or giving the person or college concerned a reasonable opportunity of being heard as provided under section 10A without prior permission of the Central Government under that section, including exercise of the power to finally approve or disapprove the same ; and

(iii) dispose of the matters pending with the Central Government under section 10A upon receipt of the same from it.

3C. *Power of Central Government to give directions.*—(1) Without prejudice to the provisions of this Act, the Board of Governors or the Council after its reconstitution shall, in exercise of its powers and in the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time :

Provided that the Board of Governors or the Council after its reconstitution shall, as far as practicable, be given an opportunity to express its views before any directions is given under this sub-section.

(2) The decision of the Central Government whether a question is a matter of policy or not shall be final.’.

PRATIBHA DEVISINGH PATIL,
President.
